

Summary of consultation responses and the Park's analysis – Helen Todd, 5th June 2015

Having read the analysis done by Nick Kempe of the summary of the consultation responses published by the park authority, and read all the consultation responses myself, I believe that Nick's analysis is largely correct and could be supported by SSA. Below are some additional reflections on the consultation responses.

Those in favour of byelaws are overwhelmingly residents of the park, including community councils, as shown by the Park's analysis. However, some of these responses refer specifically to the problem of long term encampments by caravans/ camper vans in their area without mentioning camping, and so it is possible that camping is not seen as such a problem. The consultation document did not separate these two issues and yet all responses have been classed as supportive of byelaws which could be misleading.

Those in favour of byelaws cite problems with campers causing litter, anti-social behaviour, vandalism, etc, but there are also a large number who are conditional in their support for byelaws, suggesting they should be a short term, interim measure until proper camping provision is in place. There are also concerns raised about displacement within the park to areas not covered by the management zones, so it is clear that the park will face lobbying to extend the proposed zones. The problem of enforcement is also raised. These are probably all classed as supporters and yet there are some conditions to that support which are unlikely to have been met by the Park before byelaws are introduced, as the Park has expressed its intention, for the 2016 season.

Those who are opposed to the byelaws quote issues of enforcement, displacement, lack of use of existing legislation, etc, as well as giving many very passionate defences of Scottish access rights; there is a widespread fear that these rights would be eroded by the byelaws and a precedent set for other areas in Scotland to call for more byelaws. Many respondents mention their concerns that the East Loch Lomond byelaws which were introduced on the basis of being a short term measure are now being extended. The responses from many opponents of the byelaws (and indeed, some of those who give conditional support) set out a wide range of options for dealing with the issues which demonstrate the wealth of experience within the outdoor recreation sector. It is therefore disappointing that the park has had so little discussion with the national recreation organisations before launching its consultation.

It is also worth noting that a fair number of respondents cited difficulties with the website and in accessing the consultation documents.

In terms of the categorisation of responses, it is difficult to comment on the classification of individuals in terms of support/object. However, the way that organisational responses have been categorised can be checked, and it would appear to me that some of these have been misrepresented as being overall in support as shown in some examples below(see the park's categorisation document FOI 2015 – 22 Appendix A and the letter to Ministers).

SNH – Conditional Support: the SNH response and letter from the Chairman are both classified as being in support of the byelaws in the Letter to Ministers. Nevertheless, it is clear that there are many caveats within both documents. For example the response says "We would not support the introduction of byelaws in an area, therefore, before there is an adequate level of camping

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provision, catering for a range of users and demands.” It is unlikely that this condition can be met before next spring.

Forest Enterprise Scotland – Conditional support: Again, FES is clear that the byelaws should not be introduced before the camping provision has been developed – “FES consider that before a capital program is delivered and byelaws enforced that it is essential that new funding and staff resources are developed by the LLTNPA. On that basis we would not support the introduction of byelaws before there is an adequate level of camping provision in each management zone.”

Transport Scotland – Support: In fact Transport Scotland have “no objection in principle” and offer to give assistance where required.

John Muir Trust – Conditional support: the JMT response is classed as supportive and yet the JMT news release which accompanied the submission said that JMT was calling on the park authority “to reconsider controversial plans to extend restrictions on wild camping through byelaws. ... the problem ... should be tackled through education rather than legislation”.

Loch Lomond & Trossachs Access Forum – Conditional support: again, there is much concern expressed in the access forum’s submission and a long list of recommendations to be met before byelaws may be introduced.

National Trust for Scotland – Conditional support: NTS expresses a number of reservations, and suggests support for the byelaws only if they were introduced for a trial two-year period. This condition has not been met by the Park.

Scottish Federation for Coarse Angling – Conditional support: SFCA’s submission says “We appreciate the reasons why these byelaws are being put forward ... However we do not believe the strategy proposed represents an appropriate response to the situation. This is a problem of policing and it should be addressed as such.” We are therefore surprised that this is classified as supportive.

Paths for All – Conditional support: PfA calls for facilities such as campsites, toilets and picnic areas to be developed and says “this approach should be given time to come into fruition and be assessed before byelaws are considered”. Again, this condition has not been met.

Given that all these organisations are classed as supporters of the byelaws, one can assume that many individual responses have also been categorised that way despite the conditions and concerns raised. The Park has published a summary showing 49% in favour and 50% opposed, and yet these figures should now be seen as questionable. At the very least, there should be a postponement of the byelaw plans and reassessment of the need for byelaws following the development of facilities. However, there is also a case for the government to reassess the full set of consultation responses.